

REMARKS

The Office Action of June 8, 2005, has been carefully considered by the Applicants. Claims 1-27 remain pending. Reconsideration of the application is requested.

Claims 28-30 were previously withdrawn due to election/restriction and are now cancelled in this amendment.

Claims 1-27 were provisionally rejected under the judicial doctrine of obviousness-type double patenting over claims 9-20 of copending application 10/408,052. Applicants traverse the rejection. A Terminal Disclaimer has been filed. Applicants request withdrawal of the rejection.

Claims 1-27 were provisionally rejected under the judicial doctrine of obviousness-type double patenting over claims 1-10 of copending application 10/645,309. Applicants traverse the rejection. A Terminal Disclaimer has been filed. Applicants request withdrawal of the rejection.

The Examiner stated that the substitute oath filed July 30, 2004, was defective because it was missing the signature of the third inventor. The third inventor, Thomas J. Kennedy III, signed the oath filed July 30, 2004, on page 4; the Examiner may have overlooked this page. The Public PAIR system accurately shows the signature. Applicants therefore have not submitted a new oath.

CONCLUSION

For the reasons detailed above, it is respectfully submitted all claims remaining in the application (Claims 1-27) are now in condition for allowance. Withdrawal of the rejections and issuance of a Notice of Allowance is requested.

In the event the Examiner considers personal contact advantageous to the disposition of this case, she is hereby authorized to call Richard M. Klein, at telephone number 216-861-5582, Cleveland, OH.

Respectfully submitted,

FAY, SHARPE, FAGAN,
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August 9, 2005
Date

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CERTIFICATE OF MAILING

Under 37 C.F.R. § 1.8, I certify that this Amendment is being

- ☒ deposited with the United States Postal Service as First Class mail, addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
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| Date August 9, 2005 | Printed Name Lynda S. Kalemba |

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